HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 13439 of 2007

Dated 28.06.2007

Between:

Alasani Gangaiah.

...Petitioner

and

The Chief Engineer and others.

...Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 13439 of 2007

O R D E R:

The petitioner established a rice mill in Papireddypalli Village, Obulavaripalli Mandal, Kadapa District. The rice mill was inspected on 20.11.2006 by the Assistant Divisional Engineer, Kodur. On finding that certain irregularities were committed by the petitioner, a notice of provisional assessment, dated 25.11.2006, was issued, estimating the loss to the company at Rs.2,19,602.75 ps. Alleging that the petitioner did not respond to this notice, the second respondent passed an order of final assessment, dated 29.01.2007, concluding that the petitioner is liable to pay a sum of Rs.2,19,603/-. Since the petitioner did not comply with this, the power supply was disconnected on 27.02.2007. The petitioner

availed the remedy of appeal under Section 127 of the Electricity Act, 2003, by filing an appeal before the first respondent. His grievance is that the power supply has not been restored so far.

Heard the learned counsel for the petitioner and Sri V.Ajay Kumar, the learned counsel for the respondents.

Section 127 of the Electricity Act, 2003 itself mandates that as a condition precedent to avail the remedy of appeal, a consumer must deposit one-third of the disputed amount. Admittedly, the petitioner did not deposit the said amount. The question of restoration of power supply to the petitioner would arise, if only the said amount is paid.

Hence, the writ petition is disposed of, directing that as and when the petitioner deposits one-third of the amount covered by the order of final assessment, the power supply shall be restored and the appellate authority shall proceed to dispose of the appeal. There shall be no order as to costs.

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28.06.2007

JSU